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Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

CAMERON WILSON,

Case No. 3:24-cv-2033-HZ

Plaintiff,

v.

CITY OF HOOD RIVER, a municipal corporation; OFFICER EMELIKE DELANCY, in his individual capacity; OFFICER AUSTIN GRIFFIN, in his individual capacity; OFFICER RYAN JUNDT, in his individual capacity,

Defendants.

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**DECLARATION OF KEEGAN MURPHY IN SUPPORT OF DEFENDANTS' RESPONSE TO MOTIONS FOR ENTRY OF DEFAULT AND TO STRIKE ANSWER TO AMENDED COMPLAINT**

I, Keegan Murphy, hereby declare as follows:

1. I am employed as an attorney with Montoya Law and serve as counsel for Defendants City of Hood River, Sergeant Emelike Delancy, Officer Austin Griffin, and Officer Ryan Jundt in this matter.

2. This motion is made for the purpose of offering material facts and other information in support of Defendants' response to Plaintiff's Motions for Entry of Default and to Strike Defendants' Answer to Plaintiff's Amended Complaint.

3. On January 22, 2025, I filed Defendants' Answer to Plaintiff's Complaint.

4. On February 3, 2025, Plaintiff filed an Amended Complaint in this case.

5. When I initially received the Amended Complaint in this case, I was under the mistaken impression that, because Defendants had already filed an answer to Plaintiff's initial Complaint, the Federal Rules of Civil Procedure required Plaintiff to seek leave of court to file an Amended Complaint.

6. I had that mistaken belief because my practice has historically been primarily in state court and I thought I had remembered from prior research that the federal rules operated identically to the Oregon Rules of Civil Procedure on this issue, under which the filing of an answer to the initial complaint cuts off a Plaintiff's ability to file an amended complaint without leave of court.

7. On March 11, 2025, Plaintiff filed a motion for entry of an order of default.

8. Prior to filing his motion, Plaintiff did not confer with me as would have been required by the District of Oregon's local rules of civil procedure or otherwise inform me of his view that the complaint was untimely.

9. Upon receiving and reviewing Plaintiff's motion, I discovered my mistake and immediately filed Defendants' Answer to Plaintiff's Amended Complaint.

10. This oversight was the result of a mistake on my part—it was in no way an intentional attempt to subvert the rules of this court or otherwise engage in any form of gamesmanship.

11. Because Plaintiff has suffered no significant prejudice from the approximately three-week delay in receiving our answer and Defendants have meritorious arguments to present in this matter, I am respectfully requesting that this Court deny Plaintiff's motions for entry of default and to strike Defendants' Answer to his Amended Complaint.

DATED this 18th Day of March, 2025.



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Keegan C. Murphy, OSB #194264  
Kenneth S. Montoya, OSB #064467  
Attorneys for Defendants

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DECLARATION OF KEEGAN MURPHY IN SUPPORT OF DEFENDANTS' RESPONSE TO MOTIONS FOR ENTRY OF DEFAULT AND TO STRIKE ANSWER TO AMENDED COMPLAINT** on:

Cameron Wilson  
1312 South 44<sup>th</sup> Avenue  
Yakima, Washington 98908  
Pro Se

by the following indicated method or methods:

- by **electronic means through the Court's Case Management/Electronic Case File system** on the date set forth below;
- by **emailing** a copy thereof to each attorney at each attorney's last-known email address on the date set forth below;
- by **mailing** a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to plaintiff's last-known address listed above and depositing it in the U.S. mail at Salem, Oregon on the date set forth below.

DATED this 18th Day of March, 2025.



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Keegan C. Murphy, OSB #194264  
Kenneth S. Montoya, OSB #064467  
Attorneys for Defendants